

# Exhibit G

1           IN THE UNITED STATES DISTRICT COURT FOR THE  
2                   SOUTHERN DISTRICT OF NEW YORK  
3                   CASE NO. 1:20-CV-9251  
4

5                   ALAN SEWARD,  
6                   Plaintiff  
7

8                   V.  
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10               DET. CAMILO R. ANTONINI, ET AL.,  
11               Defendants  
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23   DEPONENT:   DET. SGT. SEAN J. FEGAN

24   DATE:        JANUARY 11, 2022

25   REPORTER:   MAGGIE PATTERSON

APPEARANCES

ON BEHALF OF THE PLAINTIFF, ALAN SEWARD:

Heather Lewis Donnell, Esquire

Loevy & Loevy

311 North Aberdeen Street

3rd Floor

Chicago, Illinois 60607

Telephone No.: (312) 243-5900

E-mail: heather@loevy.com

(Appeared via videoconference)

AND

Angela Perkins, Esquire

The Law Offices of Jarrett Adams

40 Fulton Street

New York, New York 10038

Telephone No.: (646) 880-9707

E-mail: angela@jarrettadamslaw.com

(Appeared via videoconference)

APPEARANCES (CONTINUED)

ON BEHALF OF THE DEFENDANTS, DET. CAMILO R. ANTONINI,  
P.O. ROBERT F. PUFF, DET. SGT. SEAN J. FEGAN,  
UNIDENTIFIED MOUNT VERNON POLICE DEPARTMENT EMPLOYEES  
AND OFFICERS, THE CITY OF MOUNT VERNON, P.O. MICHAEL  
HUTCHINS, POLICE COMMISSIONER GLENN SCOTT, P.O. RAVIN  
PALMER, P.O. PATRICK KING, P.O. JOSEPH VALENTE, SGT.  
JOSE QUINOY, POLICE COMMISSIONER SHAWN HARRIS, P.O.  
SEBASTIAN SALAZAR, AND P.O. ROBERT F. KRESSMAN:

Anthony J. DiFiore, Esquire

Marykate Acquisto, Esquire

The Quinn Law Firm

399 Knollwood Road

Number 220

White Plains, New York 10603

Telephone No.: (914) 997-0555

E-mail: adifiorel@quinnlawny.com

macquisto@quinnlawny.com

(Appeared via videoconference)

Also Present: Savanna Squires, Videographer

1 conducted as a Mount Vernon police officer?

2 A I don't know. Me personally, or supervised,  
3 or?

4 Q I'll break it down into each of those.  
5 You personally.

6 A Okay. I can't give you a count. I have no  
7 idea.

8 Q Why can't you give me an account?

9 A It's not an overwhelming amount, but I don't  
10 -- I mean, I don't keep a running log of the searches  
11 I've done.

12 Q Do you -- when you personally have been the  
13 one conducting a strip search, do you document it?

14 A When I did it as a detective, it was -- the  
15 report documented a search being done. Yes.

16 Q What, the incident report?

17 A The incident report would've documented it.  
18 And until 2015, when we instituted a new policy in  
19 regards to strip searches, they weren't -- we started  
20 wording it in a different way in 2015.

21 Q Tell me about that.

22 A It was -- the reports were worded that it was  
23 -- the reports should have been worded that the search  
24 was authorized, recorded and supervised by whomever. And  
25 then we also instituted the filming of the searches,

1 whether it be for audio only, or if there was something  
2 recovered, we would then, at that point, there'd be  
3 video.

4 Q Do you have some sort of awareness of  
5 knowledge of why that new policy came into effect in  
6 2015?

7 A Yeah. I was part of the implementing of the  
8 policy.

9 Q Okay. Please. Did you recommend that the  
10 department make those changes?

11 A I did.

12 Q Why?

13 A I was one of the people that did -- because we  
14 had gotten a couple complaints on searches we had done,  
15 or searches that were not done that we were accused of  
16 doing.

17 Q Okay. So tell me who, other than yourself was  
18 recommending this policy change that came into effect in  
19 2015 that involved documenting that search -- strip  
20 searches were authorized, supervised, and also reported  
21 in some fashion. Who other than yourself was part of  
22 that policy change?

23 A At that point, there was a Captain Atanero.  
24 He was the commanding officer of the detective division.

25 Q Anyone else?



1 This doesn't apply to any other searches on any other  
2 arrests. You know, with the basic, you know, pat-down  
3 for safety, you know, it doesn't apply to that. It only  
4 applies to search warrants itself. Not search -- I'm  
5 sorry. If I was saying --

6 Q Not search -- strip searches -- are you saying  
7 strip searches?

8 A Yes. I'm sorry.

9 Q Okay. So your testimony that you're giving  
10 regarding video recording, you're saying that is only  
11 referring to when a strip search is conducted, correct?

12 A Right. We did not video record every search.  
13 Only strip searches.

14 Q Okay. And that's only post-2015, correct?

15 A Yes. Whatever the date was in 2015 that the  
16 policy was instituted.

17 Q Is it your testimony that any strip search  
18 that you have authorized since this new policy went into  
19 effect will have been video recorded?

20 A Any strip search that I authorized since 2015  
21 would've been video recorded.

22 Q And where are those videos, the DVDs or jump  
23 drives, where are they stored?

24 A Say again, I can't you hear you.

25 Q Oh, I'm sorry. I'm looking down. Where are

1 those -- you say that the -- when the strip search is  
2 recorded, what is it recorded on?

3 A We had a video camera assigned to the  
4 narcotics unit.

5 Q And then that video camera, you'd have to  
6 transfer the data onto a CD-ROM?

7 A We would transfer it onto a DVD or CD and put  
8 the physical hard copy into evidence.

9 Q And is the physical hard copy of any strip  
10 search conducted by the narcotics unit since 2015 in  
11 each of those specific cases as part of the evidence?

12 A Yes.

13 Q So all the video -- it's your testimony that  
14 any strip search that you've authorized since this  
15 policy came into effect in 2015 will have been recorded  
16 and put into evidence? Is that right?

17 A Any ones that I was involved in?

18 Q Yeah.

19 A Yeah.

20 Q Have you -- do you have knowledge of any  
21 exceptions, a strip search that was conducted and the  
22 video camera wasn't working or the CD was misplaced?  
23 Anything like that?

24 A Do I have knowledge of any of those?

25 Q Yeah.



1 Q Understood. Okay. And then the next column,  
2 is that the accused officers?

3 A Yes.

4 Q And sometimes you have "Narco," does that  
5 mean, like, the narcotics unit?

6 A There was no specific, like, party names.

7 Q Okay. And then, it looks like the next  
8 column, is that the outcome of the investigation?  
9 Is that your outcome? Like, your recommendation or just  
10 the final disposition of the investigation?

11 A That's my recommendation.

12 Q Okay. So -- and it looks to me that each of  
13 these -- for all of these complaints that you were  
14 investigating, your recommendation was either that the  
15 complaint be exonerated or unfounded.

16 A Yeah. There's a couple unsubstantiateds there  
17 also.

18 Q Okay. And why don't you -- for the record,  
19 what does it mean when you are recommending an outcome  
20 of exonerated? What does that mean?

21 A That means like the allegation happened, but  
22 it wasn't -- there was nothing wrong -- it happened, but  
23 there was no violation of any rules and regs, or there  
24 was no -- there was nothing. The officer didn't do  
25 anything wrong. The incident happened, but nothing was

1 wrong with what happened.

2 Q How about when you're recommending a finding  
3 of unfounded? What does that mean?

4 A Couldn't find any information or facts to  
5 support the -- the complaint itself.

6 Q So the complainant made a complaint about  
7 certain allegations, but you were unable to find any  
8 documents on the officer side --

9 A Right.

10 Q -- one way or the other? That's what  
11 unfounded means?

12 A Yeah.

13 Q What about if there's a third-party witness?  
14 Well, okay. What if you have witnesses other than the  
15 complainant, but no officer documentation? Can you  
16 reach an unfounded recommendation?

17 A It depends what the witness says.

18 Q Okay. And then what does unsubstantiated  
19 mean?

20 A It means it could or couldn't -- could or  
21 could not have happened, but there's not enough  
22 information either way.

23 Q Okay. And then what is the finding that the  
24 Mount Vernon Police Department uses for investigations  
25 of officers accused of misconduct if the find -- if

1 there's a sustained finding? Do you use the word  
2 "sustained" or some other word?

3 A Substantiated.

4 Q You use substantiated? Okay. And any here  
5 listed, did you reach a substantiated finding?

6 A No.

7 Q Let me ask you this, in any of the  
8 investigations of officer misconduct that you've been  
9 involved in -- I'm sorry, is there something?

10 MR. DIFIORE: No, I just wanted -- you said to  
11 close the door --

12 THE WITNESS: No, the door's opened -- the door  
13 has opened or something --

14 MR. DIFIORE: -- people are walking by.

15 BY MS. DONNELL:

16 Q Got it. Okay. In any of your investigations  
17 of officers of -- accused of misconduct that you've  
18 conducted, have you ever recommended a substantiated  
19 finding?

20 A No.

21 Q Have you ever been --

22 A Can I -- I'm sorry, can I clarify something?

23 Q Sure.

24 A These are my narco civilian complaints. I did  
25 a couple when I was a patrol supervisor. I didn't

A Generally, we like to have, if possible, the



1 named person in the search warrant, present at the  
2 location while we search. If it's, if it's, you know,  
3 if it's feasible.

4 **Q But why, why is that?**

5 A I mean -- it's their -- it's their property  
6 and it's them that the search warrant's for. So if --  
7 if someone was doing a search warrant at my house, I'd  
8 want to be there. So that's -- that's why we do that.  
9 If he said, "No, I don't want to go," we could -- we  
10 would've brought him to headquarters.

11 **Q You would agree that Detective Puff could have**  
12 **brought Mr. Seward straight to headquarters. Correct?**

13 A He, he could have, but I told him if, if  
14 Mr. Seward said he didn't want to go to 156? We would,  
15 by all means, let him go right to headquarters, but when  
16 they told him they were bringing him back. If he didn't  
17 make any objections, that's why they brought him back.

18 **Q And it's your testimony that your officers**  
19 **would've known that it's your preference to bring the**  
20 **individual whose property is being searched to the**  
21 **location of the search warrant while the search is being**  
22 **conducted?**

23 A Correct.

24 **Q So you wouldn't have had to tell Puff to bring**  
25 **Alan -- Mr. Seward there, that he, Detective Puff,**



1       them up and ready now. Is it the -- was it  
2       previously marked Exhibit 1?

3             MS. DONNELL: Yeah.

4             COURT REPORTER: Okay.

5             MS. DONNELL: It was previously marked Exhibit  
6       1.

7             COURT REPORTER: Right. Okay. Perfect. One  
8       second. All right. One second. Can everybody see?

9             MR. DIFIORE: Yes.

10            THE WITNESS: Yes.

11            COURT REPORTER: All right. You just let me  
12       know when you're ready for me to play it.

13            MS. DONNELL: Yes. I think what we'll do is  
14       -- let's have you go ahead and play it and then if I  
15       need to stop, we'll stop it but right now we're  
16       going to play what was previously marked as Exhibit  
17       1 but I'm going to mark it as Exhibit 5 based on the  
18       notes that we just marked as Exhibit 1 through 4.  
19       So we'll note this as Exhibit 5 and this was  
20       produced by the defendants in the litigation as I  
21       think Exhibit B to their disclosures, so you can go  
22       ahead and play it.

23            (VIDEO PLAYED)

24       BY MS. DONNELL:

25            Q       Okay. Is -- Sergeant Fegan, is what we just

1 played for you as Exhibit 5, is that the video that you  
2 saw a couple times to prepare for your deposition today?

3 A Yes.

4 Q Okay. And that's the only video you've ever  
5 seen?

6 A Of that incident, yeah.

7 Q Of that incident, thank you. Did you  
8 recognize the voice of the individual talking on the  
9 video camcorder?

10 A I did. It's Detective Antonini.

11 Q And did you, are you depicted at any point in  
12 that video that you could see?

13 A Yeah. When -- I mean, you don't see my face  
14 but when he turns around from the back room back toward  
15 the kitchen, you could see me standing there in, I think  
16 in jeans, a t-shirt and blue and white sneakers.

17 Q Okay. And who's the other officer in the  
18 bedroom, if you remember?

19 A That's, it was Officer Valente at the time,  
20 now it's Detective Joseph Valente.

21 Q Okay. Were there any other officers present  
22 that you recall at the time of that video recording  
23 other than Valente and Antonini and yourself?

24 A The guy in front with the red, I think the red  
25 sweatshirt. I believe that's officer Salazar.

1 Q Do you, as you sit here today, have any  
2 information about any efforts that were done to check  
3 the reliability of the information the CI provided to  
4 Detective Puff prior to executing a search warrant?

5 A Well, I do know that outside of the  
6 information from the informant, there was a complaint  
7 lodged by a resident of the building, at 156 South,  
8 First Avenue. So we took that complaint, spoke to that  
9 complainant that laid out for us what was going on, and  
10 then confirmed the legitimacy of the complaint through a  
11 confidential form.

12 Q So in your memory, the information came from  
13 the resident of the building complaining first?

14 A It came from a complaint, yes. That's, that's  
15 how it got started.

16 Q Okay. And was the identity of the complainant  
17 identified in any reports?

18 A I believe -- oh. We knew who it was. We  
19 spoke to her, she left. She or he, I forget which one  
20 it was, left her phone number and name on a message to  
21 us. I, I forget who took the initial phone call but she  
22 left her name and cell number for a call back so I  
23 called her back.

24 Q Do you know the name of the individual as you  
25 sit here today?

1 MR. DIFIORE: To the extent that he knows or  
2 recollects the name, I'll ask that it's pursuant to  
3 the confidentiality agreement in case.

4 MS. DONNELL: Sure, that's okay. I'm going to  
5 ask you the identity of that person if you know, so  
6 I can put this part of direct question under the  
7 confidentiality, or is that what you'd like me to  
8 do, Anthony?

9 MR. DIFIORE: That'd be perfect. Great.

10 MS. DONNELL: Yeah. Okay. Maggie, can we --

11 MR. DIFIORE: Attorney's eyes only.

12 MS. DONNELL: Okay. Maggie, we're going to  
13 designate this portion of the record as attorneys'  
14 eyes only.

15 (CONFIDENTIAL PORTION II REDACTED)

16 MR. DIFIORE: That's fine.

17 MS. DONNELL: Okay.

18 COURT REPORTER: I got them. You're good.

19 MS. ACQUISTO: Okay.

20 MS. DONNELL: Thank you.

21 MS. ACQUISTO: Okay.

22 BY MS. DONNELL:

23 Q Why was none of the rest of the -- well, can  
24 you tell me if you know, why nothing else of the search  
25 that was conducted was recorded on video, other than



1 that short clip?

2 A We don't. We don't. You mean the search  
3 warrant itself?

4 Q Yes,

5 A We don't run. We don't run for the entirety  
6 of the search warrant.

7 Q When do you, I'm sorry. When do you record?

8 A Beforehand.

9 Q What do you mean beforehand?

10 A Before we start to search, we record, so you  
11 can see the condition of the apartment.

12 Q But -- so, your testimony is like, basically  
13 all of you showed up to execute the search warrant.  
14 You get entry into the apartment and then some of you  
15 split up and go to the Bungalow Bar, and then that's  
16 when the three or four of you decide to record. And  
17 then you conducted the search?

18 A Yeah, we take good note beforehand to show the  
19 condition of the apartment.

20 Q Okay.

21 A Say there, say there's a broken TV in the  
22 living room, right? If we record and we see a broken  
23 TV, and they come afterwards and say, "You broke my TV,"  
24 we want to have, we want to have video evidence that the  
25 TV was not broken beforehand, or was broken. You know,



1 so that's just -- that's just one example,  
2 but that's why we record the entire apartment or house  
3 before we start searching.

4 Q Okay. Tell me what you did, if you recall,  
5 during the search of 156 South First Avenue, Apartment  
6 4N. Did you conduct any of the search?

7 A I don't recall specifically, but generally,  
8 I just supervise the search. I don't -- unless we're  
9 totally undermanned, I don't search myself. I  
10 supervise. I make sure everybody's doing their job  
11 correctly.

12 Q Did you -- do you have a memory of observing  
13 your other officers search the apartment that day?

14 A Specifically for that incident? No, but I --  
15 that's generally my responsibility is to supervise  
16 everybody on the scene.

17 Q When -- so, but you don't have a specific  
18 recollection of who searched which room or where they  
19 looked as you sit here today?

20 A No, I don't have recollection of who searched  
21 where in the apartment, no.

22 Q Okay. Do you have a memory of the officers --  
23 Detective Puff returning with Alan Seward to the  
24 apartment?

25 A Not specifically, no. I know they came back,

## 1 CERTIFICATE OF REPORTER

2  
3 I do hereby certify that the witness in the foregoing  
4 transcript was taken on the date, and at the time and  
5 place set out on the Title page here of by me after  
6 first being duly sworn to testify the truth, the whole  
7 truth, and nothing but the truth; and that the said  
8 matter was recorded stenographically and mechanically by  
9 me and then reduced to type written form under my  
10 direction, and constitutes a true record of the  
11 transcript as taken, all to the best of my skill and  
12 ability. I certify that I am not a relative or employee  
13 of either counsel, and that I am in no way interested  
14 financially, directly or indirectly, in this action.  
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21  
22 MAGGIE PATTERSON,

23 COURT REPORTER / NOTARY

24 MY COMMISSION EXPIRES ON: 06/04/2022

25 SUBMITTED ON: 01/21/2022